

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LARRY ESPREE, Individually  
and Etc.,

Plaintiffs,

**vs.**

UNITED STATES OF AMERICA,

Defendant.

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CIVIL ACTION NO. SA-01-CA-0650 OG

ORDER

Upon consideration of the Government's Rule 37(c)(1) motion to exclude and/or strike Keith Fairchild as an expert witness for the plaintiffs [Docket No. 9] for the reason that information and/or materials regarding Mr. Fairchild were not timely disclosed to the Government as required by Rule 26(a)(2)(B) and ¶ 4 of the Court's October 25, 2001 scheduling order [Docket No. 4], and the Court finding the Government's motion to be meritorious, and for the reasons noted in the Government's argument in support of its motion, it is this day

ORDERED that the Government's motion to exclude and/or strike Keith Fairchild as an expert witness for the plaintiffs [Docket No. 9] be, and hereby is, GRANTED; and

FURTHER ORDERED that Keith Fairchild shall not be permitted to testify at the trial hereof, nor any information and/or materials generated by Keith Fairchild be used as evidence in the trial hereof.

This the 24 day of June, 2002.

ORLANDO L. GARCIA  
U.S. District Judge